

Decisions on the award and amount of costs in civil proceedings

Abstract

This thesis deals with the issue of costs of civil proceedings. The scheme of the thesis follows the scheme of the Code of Civil Procedure and is supplemented by references to judicature, in particular the Constitutional Court's judicature. It deals almost exclusively with costs of proceedings at the first-instance procedure.

The thesis in its introduction highlights the importance of the issue of costs of proceedings and the significant impact of the cost statement on the individual parties involved. It sets out the basic distribution of costs for general and special costs and lists their basic functions, ie the preventive and sanctioning function. The introduction also describes the role of the Constitutional Court in relation to costs of proceedings.

After a short introduction to the issue of costs of proceedings, the list of the types of costs, their description, their functions and legal regulations are listed. More capacity is devoted to the court fee and issues related to it. These include the amount and extent of the charge, the exemption (and its types) from the payment of the court fee as an expression of the right to judicial protection and others.

Subsequently, the thesis deals with the question of payment and reimbursement of costs of proceedings, which are two different concepts that need to be consistently differentiated within the issue of costs of proceedings. The obligation to reimburse the costs comes only after the costs have been paid. It is the duty imposed by the court decision to reimburse another person the costs that he has paid. This obligation is governed by the principle of fault and the principle of success in the matter. On the other hand, the obligation to pay is linked to the payment of its own costs, the so-called 'overheads', which, as a rule, each of the parties has to pay, once they have been brought into the proceedings. This duty is governed by the principle of interest.

The core of the thesis is the part devoted to the decision on costs of proceedings itself. This section contains an enumeration and description of the rules governing the decision on costs of proceedings, the conditions for adhering to these rules and also the exceptions to these rules. Attention is paid, for example, to the issue of a pre-litigation reminder, to situations in which the court does not have to award costs of proceedings as a result of its

outcome, the content and the use of the moderation right of the court and the claims for costs of proceedings.

The thesis ends with a brief consideration of the importance of the statement of costs of proceedings and the current decision-making practice from the point of view of the author of the thesis.

Key words:

Civil proceedings

Costs of proceedings

Court Fees